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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HOWARD RONALD TUBIN, individually,
Plaintiff,

v.

DEPUY SYNTHES SALES, INC., d/b/a
DEPUY SYNTHES JOINT
RECONSTRUCTION; DEPUY SYNTHES
INC.; JOHNSON & JOHNSON; DEPUY
ORTHOPAEDICS, INC.; STRYKER
CORPORATION; HOWMEDICA
OSTEONICS CORPORATION d/b/a
STRYKER ORTHOPAEDICS; AAP
IMPLANTS, INC.; DOES 1 through 15,
inclusive; and ROE BUSINESS ENTITIES 1
through 15, inclusive,

Defendants.

CASE NO.: 2:20-cv-02347-APG-DJA

STIPULATED MOTION TO EXTEND
TIME TO RESPOND TO COMPLAINT
(Sixth Request)

Plaintiff HOWARD TUBIN, by and through his attorneys of record, Lindsay K. Cullen, Esq., and Brett A. Carter, Esq., of BERTOLDO, BAKER, CARTER AND SMITH, and Defendants, DEPUY SYNTHES SALES, INC. d/b/a DEPUY SYNTHES JOINT RECONSTRUCTION; DEPUY SYNTHES INC.; JOHNSON & JOHNSON; and DEPUY ORTHOPAEDICS, INC. (collectively, "DePuy Defendants"), through their counsel, BARNES & THORNBURG LLP and

1 KAEMPFER CROWELL, and states that they met and conferred to discuss the pending dispute and
2 hereby stipulates as follows:

3 **WHEREAS**, on or around December 31, 2020, Plaintiff commenced this action by filing a
4 First Amended Complaint as ECF 4 in the United States District Court for the District of Nevada,
5 *Howard Ronald Tubin v. DePuy Synthes Sales, Inc., et al.*, 2:20-cv-02347-APG-DJA;

6 **WHEREAS**, DePuy Defendants responsive pleadings was due to Plaintiff's Complaint on
7 or before January 25, 2021;

8 **WHEREAS**, on January 22, 2021, the parties filed their Stipulated Motion to Extend Time
9 to Respond to Complaint as ECF 14 extending the answer/responsive pleading deadline to February
10 24, 2021 (*First Request*).

11 **WHEREAS**, on February 22, 2021, the parties filed their Stipulated Motion to Extend Time
12 to Respond to Complaint as ECF 33 extending the answer/responsive pleading deadline to March
13 26, 2021 (*Second Request*).

14 **WHEREAS**, on March 26, 2021, the parties filed their Stipulated Motion to Extend Time to
15 Respond to Complaint as ECF 48 extending the answer/responsive pleading deadline to May 25,
16 2021 (*Third Request*).

17 **WHEREAS**, on May 25, 2021, the parties filed their Stipulated Motion to Extend Time to
18 Respond to Complaint as ECF 52 extending the answer/responsive pleading deadline to July 25,
19 2021 (*Fourth Request*).

20 **WHEREAS**, on July 26, 2021, the parties filed their Stipulated Motion to Extend Time to
21 Respond to Complaint as ECF 54 extending the answer/responsive pleading deadline to September
22 7, 2021 (*Fifth Request*).

23 **WHEREAS**, the Parties, by counsel, have engaged in good faith efforts to resolve this matter
24 without the need for further litigation, and are in the process of finalizing settlement documents and
25 filings, and for good cause hereby appearing, the Parties agree and stipulate to extend the time for
26 the Parties to finalize such settlement resolution documents for sixty (60) days.

IT IS THEREFORE STIPULATED AND AGREED by Plaintiff and DePuy Defendants,
by and through their respective counsel, and the Court is respectfully requested to order that:

The Parties may have an extension of sixty (60) days from September 8, 2021 to finalize all
settlement documents. Plaintiff and DePuy Defendants must complete and finalize such documents
by **November 8, 2021**.

Dated this 8th day of September 2021.

BERTOLDO BAKER CARTER & SMITH

KAEMPFER CROWELL

/s/ Lindsay K. Cullen

/s/ Robert McCoy

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Las Vegas, NV 89117

& Johnson, and DePuy Orthopaedics, Inc.

Attorneys for Plaintiff

Howard Tubin

ORDER

IT IS SO ORDERED.

DATED this 9th day of September 2021.



Daniel J. Albregts
United States Magistrate Judge

Prepared and Submitted by:

BERTOLDO BAKER CARTER & SMITH

/s/ Lindsay K. Cullen

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of September 2021, I electronically filed the **STIPULATED MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT (SIXTH REQUEST)** the Clerk of Court using the CM/ECF system for filing and transmittal of Notice of Electronic Filing to all parties and counsel identified on the Court generated Electronic Filing System and via electronic mail to the following:

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